

City of Springfield
Work Session Meeting

MINUTES OF THE WORK SESSION MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, JUNE 12, 2006

The City of Springfield Council met in a work session in the Jesse Maine Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, June 12, 2006 at 5:30 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Fitch, Ballew, Lundberg (5:34p.m.), Ralston, Woodrow and Pishioneri. Also present were City Manager Gino Grimaldi, Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, Administrative Assistant Julie Wilson and members of the staff.

1. Request for the City to be Co-Applicant on a Permit Application for a New Stormwater Outfall to the McKenzie River.

City Engineer Ken Vogeney presented the staff report on this item. The Legacy Estates Subdivision, located at 17th and Vera Streets, is obligated to construct a new stormwater outfall to the McKenzie River. The U.S. Army Corps of Engineers has requested that the City sign the application as co-applicant. Staff seeks to inform the Council of this request and to receive any direction concerning the City's role as co-applicant.

At its March 7, 2005 regular meeting, the City Council approved (Resolution 05-10) an Annexation Application (LRP2004-0032) and associated Annexation Agreement for the Proden/Corey property in north Springfield. The property is located at 17th and Vera Streets as shown on Attachment A. The applicant, David Corey, has subsequently received approval of a subdivision tentative plan to develop the property as a 20-lot residential subdivision known as Legacy Estates.

The Annexation Agreement includes an obligation for Mr. Corey to construct a new stormwater channel across farmland to the north of the subdivision, including an outfall to the McKenzie River. This channel and outfall will serve both the 5.4 acre Legacy Estates Subdivision and an additional 40± acres of developed and undeveloped lands located within Springfield's City limits and Urban Transition Area.

Permits from other agencies are needed to construct the stormwater outfall. One of these agencies is the U.S. Army Corps of Engineers (Corps), which regulates construction activity in and along "waters of the U.S." such as the McKenzie River. Mr. Corey has filed a permit application with the Corps for the outfall, and the Corps has told him that the application will not be deemed complete unless the City signs as co-applicant. A copy of the letter from the Corps is attached as Attachment B for your reference.

Mr. Vogeney referred to a memo that had been distributed to Council that included some additional information that had just been received regarding the effects and removal of copper in stormwater runoff. The memo discussed recent research that indicated that even very low

concentrations of dissolved copper may be directly toxic to salmonids in early life stages. Staff recommended the City not participate with this applicant as a co-applicant at this time, but delay consideration and action of this item to allow staff to work with other partner agencies and do additional research

Council agreed that was a prudent idea.

Councilor Ballew noted that more and more restrictions were being placed on facilities and what could be released. She asked if there was a solution.

Environmental Services Manager Susie Smith provided information on this topic. Because of information available at this point, DEQ cannot concur with permit approval. Staff would work with DEQ, review the data and research, and meet at a policy level to see what could be worked out on this issue. It was not just impacting Springfield but other areas as well. This was directly a fish toxicity issue under the Endangered Species Act (ESA).

Councilor Pishioneri asked Ms. Smith if she was familiar with this type of contaminant and what level of filtration would be required to eliminate it.

Ms. Smith discussed filtration and contamination issues. She said this issue had completely caught every clean water agency off guard and was raised just within the past few weeks. Staff did not fully understand the issue. Staff would work with other wastewater agencies to determine the merits of the issue and what could be done to solve the issue.

Councilor Ralston asked where the copper was coming from.

Ms. Smith said the copper was a by-product of brake pads that were breaking down in vehicles. This was urban stormwater runoff.

Mayor Leiken said the right thing to do was to back off. He said the City was taking the right path on this issue.

Councilor Ballew said the City needed to consider when it would assume liability. Eventually, with special needs, special districts could provide efforts to finance things like this.

Mr. Vogeney said this was the first request the City had received to sign on as co-applicant to a developer's application for a stormwater outfall permit. The City wanted to meet with Council to discuss some of the policy concerns related to such a partnership. He said the City didn't have a good time frame to resolve this issue. Staff would keep Council informed through the Communication Packet over the summer as they worked with partner agencies.

City Manager Gino Grimaldi noted that this would put the development on hold.

Councilor Ralston asked if the developer had to follow the new guideline because they were a new applicant. He asked if it affected the City's other stormwater permits.

Ms. Smith said any outfall permit that went through the Corps would be treated the same way, whether it was a jurisdiction or a private developer. It was too early to know whether or not it would adversely affect the city's other stormwater facilities. In the past, the city had been

successful in such issues when cooperating with the DEQ and Association of Clean Water Agencies. More information was needed before assumptions were made.

Councilor Ralston asked if it was triggered because the outflow would go into the McKenzie River.

Ms. Smith said it was any work within the banks of rivers of the United States (U.S.). Any In-River Work required a special Corps of Engineers (COE) permit. Any river that had a specific species of fish, there was a requirement to go through this process for review. The determination was then made to determine if the listed species were in potential danger.

Councilor Pishioneri said Council needed to stay up to date regarding this issue and how it affected Glenwood efforts if there were concerns or filtration issues.

Mayor Leiken said he had worked with the EPA and DEQ closely, and the right thing to do was to wait for the COE to make their determinations. From the City's perspective, if we moved forward on this and an issue did come up, it would be costly to the City. The City was doing the right thing in waiting; there was no other choice. Federal government standards regarding contamination were discussed. He commended staff for their efforts and follow-up on this.

2. Amendments to Springfield Municipal Public Contracting Code, Section 2.703 "Exempt Contracts;" 2.706 "Public Contracts for Goods and Services;" 2.708 "Personal Services Contracts;" and 2.710 "Public Improvement Contracts."

City Attorney Joe Leahy presented the staff report on this item. The 2005 Legislative Session brought many changes to our state's public contracting law. Together with key City public contracting staff (including Bob Duey, Terri White, Len Goodwin, Jon Hiltbrand and Marcy Parker), the City Attorney's office has been conducting a comprehensive review of the City's public contracting ordinance to incorporate any needed legislative.

Mr. Leahy reviewed the attachments dated April 19, 2006 and May 8, 2006. He discussed the suggested changes as outlined in Attachment 2.

- Legislatively-Created Exemptions from Competitive Bidding: Public Improvement Contracts Under \$5,000 and Goods and Services Contracts Under \$5,000 – City Council had the choice to either: 1) create an outright exemption for Public Improvement Contracts under \$5,000 and Goods and Services Contract under \$5,000 or 2) keep in place current City practices of obtaining Informal Quotes for such types of contracts. The recommendation from the contracting committee was to stay with the current Informal process.

Council agreed to stay with what we had been doing.

- Legislatively-Created Exemption from Competitive Bidding for Certain Contracts in Response to a Declared Emergency – It was recommended that Council discuss adding an outright exemption to competitive bidding for Governor-declared emergencies, as provided for by state law. Additionally, City Council should discuss keeping its current 30-day reporting requirement for non-Governor-declared emergencies.

- Newly Created Exemption from Competitive Bidding for Energy Saving Performance Contracts – It was recommended that Council discuss whether it prefers to add energy savings performance contracts to the existing class of exempt contracts. Mr. Leahy noted that although a class was added to exempt contracts, staff did not have to use it. We could always do competitive bids. He gave an example of using this exemption.

Councilor Pishioneri asked for a definition of energy savings performance contracts.

Mr. Leahy said the OAR did not include a definition of energy savings performance. He said he would do additional research to see if a definition existed. He said he would provide that information when it was brought to Council for adoption. If Council wanted to pull this at that time, they could do so. It could be something Council could define.

- Amending 2.708(4) – Mr. Leahy said this was something the City had to do. If there was a project value of \$900,000 or more and at least ten percent of that amount came from State funding, in contracts for architects, engineers and land surveyors, the City must follow a different system for the selection.

Councilor Fitch referenced passage of ORS 279. She said these were good comments and she appreciated that Christy Monson and Mr. Leahy worked with the staff that utilized contracts the most. She supported all changes listed and felt they were all common sense. Staff was keeping an informal check and balance on the issues.

Mr. Leahy said he would provide a memo that related to Councilor Pishioneri's inquiry and Council could determine whether or not to eliminate that section. He said they also appreciated the staff who worked with the City Attorney's office on these changes.

3. Springfield Residential Lands Inventory.

City Planner Mark Metzger presented the staff report on this item. In March 2006, the City Council approved a work program for the completion of a Springfield Residential Lands Inventory (Attachment 1). Background materials summarizing the process for completing the Residential Lands Inventory are attached (Attachment 2). A committee comprised of interested professionals and citizens was established to advise staff on the assumptions and definitions to be used in the inventory process (Attachment 3). The work program included a check-in with the Planning Commission and City Council on those assumptions and definitions. Attachment 4 summarizes the Committee's recommendations.

Defining terms such as "*vacant*," "*redevelopable*," and "*unbuildable*" is necessary in order to conduct the Residential Lands Inventory. These terms seem clear, but have been defined differently by various communities which have completed similar inventories. State planning rules provide some guidance, but also allow local governments significant latitude in defining the terms. Staff provided the Residential Lands Committee background materials on how the state and other communities have defined the terms, and also information about how these were defined for the local Residential Lands Study that was completed in 1999.

At its May 11th meeting, the Committee worked with staff to recommend a set of definitions for use in the 2006 process. The recommended definitions and assumptions are not a radical departure from the criteria used in 1999, or from those used by other communities for their

inventories. At its June 1st meeting, the Committee revisited the issue of whether or not to include the 100-yr floodplain in the list of lands that should not be included in the inventory. Members of the committee were divided but agreed to add lands within the 100-yr floodplain back into the inventory.

The Planning Commission reviewed the Committee recommendations on June 6th. The attachments have been refined to reflect the Commission's direction.

Mr. Metzger reviewed information contained in the AIS. He discussed the group of individuals that would participate in the committee study. He said he would like discussion with Council regarding the defining terms.

Mr. Metzger reviewed wall charts with the Council. He reviewed land supply analysis and housing supply analysis. Mr. Metzger said when these two factors came together we could then proceed on how we might conduct a housing analysis.

Mr. Metzger said one of the questions was what was vacant, and what was partially vacant. The recommendation of the committee would be to identify land free of structures as well as land with partial structures where we could see future potential for building.

Mr. Metzger discussed the County Assessor's listing of vacant property. As a committee directive, the group would need to determine how they could identify the Assessor's listing and still be able to identify the partially vacant property. Identifying an improvement value of less than \$10,000 (or some determined amount) could be one method to identify and filter information.

Mr. Metzger discussed underutilized property. One house on two acres of flat land could possibly be identified as underutilized. He gave an example of a single home on 3 acres, with $\frac{1}{4}$ acre for the existing home; we would need approximately .75 acres left over in order for a developer to be interested.

Mr. Metzger said discussion had been held with the committee on the types of land that should not be developed. Land with slopes greater than 25 percent were not extremely buildable and it was determined not to include those in the inventory. He said the lands identified as unbuildable were commonly held among other communities around the state and were common with the recommended handbook on how to do a Residential Land Study published by the State.

Mr. Metzger discussed land within the 100 year flood area. He said for the most part the UGB was defined to follow this flood area, and there were few exceptions. One of the committee members noted that there was a lot of development taking place in some flood inventory areas in Eugene. The Springfield committee recommendation was that we count inventory land within the 100 year flood area, but not attribute housing density within the flood plain. It would be on a case by case basis to allow floodplain development.

Mr. Metzger discussed the 1999 study and criteria approved.

Mr. Metzger said if Springfield was short of land to meet housing needs, we could look into floodplain areas as a consideration. He said we had development in the Gateway and Glenwood areas that was impacted by the floodplain.

Planning Manager Greg Mott said the City had an issue with development in the floodplain previously. He shared information and direction provided to LCOG during the study and the primary reason this topic was now in limbo. This came to be because Springfield went ahead and completed the residential lands within the periodic review before we finalized the floodplain development issue.

Mr. Metzger said the bottom line in doing the inventory, was to find enough land to fulfill our housing needs outside the floodplain area. This just left another option available if needed.

Councilor Fitch said as we went through the studies, they needed to look at the underlying equations used. If they used different factors, such as the size or density of a lot, those were all variables. The City was expected, as a government, to have a 20 year supply of residential lands. If the equations used were justified and came out to be less than that, and there was no amendment made to the Metro Plan, there would be a problem. The City could be sued for not having enough supply as required by the law. She asked if the City would be sued or the partners in the Metro Plan. Mr. Metzger said he was assuming that the City would be appealed by some organization because that had occurred in other communities that had done a similar study. The City would need to prove that we needed to expand. He said they were approaching the study using the best practices giving the analysis the best chance of standing up under an appeal. The City had the ability as a City to project how many housing units were needed, and also the type of housing the City wanted.

Mr. Metzger discussed the increase in homeownership in Springfield, and that the City could have an impact on the model. He said he was confident with the committee involved and the oversight by the Planning Commission. He said the completed report would provide facts for Council to consider to make further decisions.

Mr. Metzger said the remaining constraints regarding whether something was buildable or not were not controversial.

Mr. Metzger discussed an element in the overall land supply computation of land that was not serviceable. He said Public Works staff was aware of these types of issues.

Councilor Ralston asked for clarification regarding the land in the 100 year floodplain and whether or not it was included in the inventory.

Mr. Metzger clarified and said the referenced land could be treated separately (individually) and included in the inventory. That said, we would not plan on any houses being built (no density) in that area.

Councilor Ballew recalled that Springfield paid some money to FEMA for floodplain mapping.

Mr. Metzger deferred to Public Works staff.

City Engineer Ken Vogeney discussed the metro waterways project. The Army Corps of Engineers was currently working on a reanalysis of the floodplain of the McKenzie River from Hayden Bridge to Hendricks Bridge. A final product was not yet complete.

Councilor Pishioneri said his concern was similar to comments made by Councilor Fitch regarding density issues.

Mr. Metzger said this project identified land and housing need. Mixing single family homes with mixed uses could be controlled through changes in the City's development policy, which could be an outcome of this process. Mr. Metzger said if an area was zoned for single family homes, the homes developed around it would be the same. Addressing if something was not in character with what may currently exist would be policy discussion.

Councilor Pishioneri said it seemed density would determine what was buildable.

Mr. Mott said dozens of policies were in place regarding density. He said Council had authority regarding action to impose a design standard, whether allowing accessory dwelling units or not, having minimum/maximum lot sizes, or allowing detached or attached. Over the entire planning area, a certain number of units per acre would be achieved with current policy. If Council was concerned about neighborhood compatibility, staff could advise Council about the impact and action could be taken by Council regarding densities. The inventory would assume a certain expected population that would want to live in Springfield over a period of time and translate that into dwelling units. A certain percentage would be assigned to affordable housing and the rest would match the density targets Council had established, unless Council chose to change those.

Mr. Metzger discussed the Development Code and policy which would determine the lot size and configuration. For the City to control what density looked like and how compatible it was with neighborhoods, the Development Code would help accomplish that. The inventory process would assist in finding the property needed. Adjustments to the code would determine how the neighborhoods would be developed. This study would not only be done using GIS technology, but also by ground crews checking properties physically. He gave an example of why both were needed.

Councilor Ballew asked if the GIS would also note the zoning of properties.

Mr. Metzger said the report would show how many acres were available in low density zoning.

Councilor Lundberg discussed affordable housing and standards set by the Federal Government. She asked about higher end housing.

Mr. Mott discussed affordability, which referred to the percentage of the population defined by a Federal standard at a specific income level. Each community in the State was assumed to have a certain percentage of those low income households and those needed to be provided for. He explained further.

Mr. Metzger said the housing needs model allowed the City to look at age, income, housing price and housing types. In that model, we would be looking at how many low-end homes, either rental or owner occupied, versus high end. He said the State was working hard to assess how we meet low income housing needs.

Councilor Lundberg asked that we be aware of the different levels of housing availability, both lower to higher end housing.

Mr. Metzger said staff would be considering housing in a variety of price ranges and types. The market would determine a lot of that trend.

Mayor Leiken thanked Council for their effort related to this topic. The approach was good and he thanked staff for being receptive and taking a serious look at this study. We have the ultimate responsibility for quality of life, stormwater issues and the environment, and we can work this out together. As we look at different mixes, affordable and high end housing should both be included. As we grasp more control over what happens within the city limits, the quality of life would continue to be enhanced.

Housing Policy Board Update

Councilor Ralston provided an update on the Housing Policy Board meeting where this topic was discussed. The HomeBuilders' Association had said they were not able to build affordable homes because the shortage of land supply caused the costs to go up. He asked if Eugene would be conducting a land study. He heard they were not planning to do so. He said the Housing Policy Board would most likely make a strong recommendation that Eugene look at doing a study. Springfield had to rely on Eugene when deciding on our future and expansion of UGB. Inclusion in the Metro Plan was discussed.

Mayor Leiken said it could warrant a call to a Eugene City Councilor.

Councilor Ralston said the Housing Policy Board would be sending a strong message to Eugene City Council to start doing their land study on an expedited process.

Councilor Lundberg would like to know what others around the State had done in keeping up with land supply studies so we knew the options for ourselves and as metro partners and what we could and couldn't do. She heard there was preliminary work at the legislative level to try to figure out how to handle these issues, including Metro issues. She said Springfield should be able to move forward and not worry about what we were doing.

Mr. Metzger said having a common UGB with Eugene was a unique situation. Staff could look into what was in process or not. He said Mr. Mott may have an idea on what Eugene may be doing.

Councilor Ralston wondered if the Metro Plan could be revised to allow independent jurisdictions to do what they wanted within their own boundaries.

Mr. Leahy said it could be revised, but it would be a difficult process.

Mayor Leiken said it would also be very political. There could be outside special interest groups involved as well. There were many issues to be considered.

Councilor Ralston said we were basically tied to a no-growth position and it was frustrating.

Mr. Metzger said this project should be completed by the end of the calendar year.

ADJOURNMENT

The meeting was adjourned at approximately 6:42 pm.

Minutes Recorder - Julie Wilson.

Sidney W. Leiken
Mayor

Attest:

Amy Sowa
City Recorder